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SENATE BILL 1064 By  
Haynes

HOUSE BILL 1427  
By Rhinehart

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 52, relative to the authority of municipal electric plants to acquire, improve, operate, lease and maintain telecommunications equipment and to provide telecommunications services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, is amended by adding Sections 2 through 6 of this act as a new part.

SECTION 2. Every municipality operating an electric plant whether pursuant to this chapter or any other public or private act or the provisions of the charter of a municipality, county, or metropolitan government, has the power, and is authorized, on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to own, acquire, improve, operate, lease and maintain within and/or without the corporate or county limits of such municipality, and, with the consent of such other municipality, within the corporate or county limits of any other municipality, telecommunications service(s) and to provide telecommunications service(s) to any person, firm, public or private corporation, or any other user or consumer of telecommunications service(s) consistent with applicable laws of the United States and the state of Tennessee.

SECTION 3. Unless the context otherwise requires:

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(1) The term “telecommunications service” means the offering of telecommunications for a fee directly to the public, or to such class of users as to be effectively available directly to the public regardless of the facilities used, including but not limited to voice, data, and video transmissions; surveillance; CATV; Internet services; loan control; meter reading; appliance monitoring; power exchange, securing monitoring; alarm and other monitoring services; billing and financial services; or any other telecommunications service(s) that may be provided, including servicing and repairing related equipment.

(2) The term “telecommunications equipment” means equipment, other than customer premises equipment, used by a municipal electric plant to provide telecommunications service(s), and includes software integral to such equipment, including upgrades.

SECTION 4. In addition to the powers and authority granted a municipality operating a municipal electric plant under the provisions of its charter or any other public act or private act or law, a municipality operating an electric plant and providing telecommunications service(s) shall have all the authority and powers enumerated in Tennessee Code Annotated, Section 7-51-101, et seq., as well as all the power and authority granted telecommunications service providers/carriers under applicable laws of the United States and the state of Tennessee.

SECTION 5. (a) The general supervision and control of the acquisition, improvement, operation, and maintenance of the telecommunications systems service(s), and plant shall be in the same “supervisory body” and superintendent identified in Section 7-52-114 and their powers with respect to telecommunications shall be as broad as the powers enumerated in §§7-52-115, 7-52-116, 7-52-117, 7-52-132, 7-52-133, and 7-52-134(b).

(b) When the context requires, the following words may be used interchangeably, to-wit:

(1) “supervisory body,” “board” and “electric power board”.

(2) “electric plant superintendent,” “superintendent” and “plant manager”.

SECTION 6. Notwithstanding the provisions of Tennessee Code Annotated, Section 9-21-308 or of any other law, the board or supervisory body of every municipality operating a

municipal electric plant shall be authorized to appropriate and expend such funds of the electric plant as it shall determine in its discretion for the construction, acquisition, operation, maintenance and improvement of such facilities it deems are necessary or desirable for the provision of telecommunications service(s).

SECTION 7. Tennessee Code Annotated, Section 7-52-117(d), is amended by deleting the words or figures, or in counties that have adopted a metropolitan government, not to exceed two thousand dollars (\$2,000)".

SECTION 8. Tennessee Code Annotated, Section 7-52-102(10), is amended by inserting the language "metropolitan government," between the language "county," and the word "incorporated".

SECTION 9. This act supersedes any conflicting provisions of general law, private act, charter, or metropolitan charter provisions.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

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